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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,148	08/27/2001	Michael Zobel	Mo-6485/LeA33,061	7822

157 7590 09/29/2003

BAYER POLYMERS LLC  
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EXAMINER
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SHORT, PATRICIA A

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/890148

Applicant(s)

Zobel et al.

Examiner

Shert

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on July 10, 2003
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 2, 3, 5, 7-9, 12, 13 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 2, 3, 5, 7-9, 12, 13 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 14
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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This action is in response to the request for continued examination (RCE) and preliminary amendment filed on July 10, 2003.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 7-9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pan in view of Grabowski or Pan in view of Grabowski taken further with evidence provided by Wang. Pan teaches flame retardant thermoplastic molding compositions comprising aromatic polycarbonate and an aluminum oxide having a colloidal particle size of less than 1 micron. The aluminum oxide is applied as a colloidal sol obtained from Nalco Chemical Co. See col. 1, lines 55-62 and examples. The composition may contain conventional additives such as flow modifiers. See col. 7, lines 55-62. Grabowski teaches graft polymers (ABS) that can be used to improve the flow characteristic of aromatic polycarbonate. As Pan teaches that the aluminum oxide is used as a colloidal sol having a particle size of less than 1 micron, it would have been obvious to add a water containing aluminum oxide having a particle diameter of less than 1 micron (1  $\mu$ m) to an aromatic polycarbonate and in view of Grabowski, to include a graft polymer (ABS) in order to obtain a flame retardant aromatic polycarbonate molding composition having improved flow characteristics.

Alternatively, as aqueous colloidal sols of aluminum oxide having a particle size of 20 nm are commercially available from Nalco, evidenced by Wang at col. 5, lines 23-27, it would have been obvious to use the commercially available aqueous colloidal sol of aluminum oxide having a particle size of 20 nm in the aromatic polycarbonate compositions of Pan as modified by

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Grabowski above in order to obtain a flame retardant aromatic polycarbonate molding composition having improved flow characteristics.

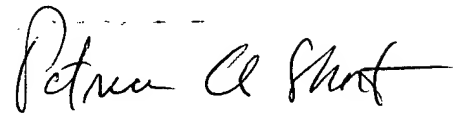
P. Short

September 15, 2003

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**PATRICIA A. SHORT  
PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Patricia A. Short". The signature is written in dark ink and is positioned below the printed name and title.